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VAN OPHEM & VANOPHEM, PC
REMY J VANOPHEM, PC
51543 VAN DYKE
SHELBY TOWNSHIP, MI 48316-4447

In re Application of KELLERER :
U.S. Application No.: 10/500,678 :
PCT Application No.: PCT/EP03/00006 :
Int. Filing Date: 02 January 2003 :
Priority Date Claimed: 03 January 2002 : DECISION
Attorney Docket No.: BHB167A US :
For: COLLAPSIBLE CONTAINER :
COMPRISING A CONTAINER BASE :
AND FOUR COLLAPSIBLE LATERAL :
WALLS :

This is in response to applicant's "Petition for Maintaining Filing Date as Date of Deposit" filed 18 February 2005.

BACKGROUND

On 02 January 2003, applicant filed international application PCT/EP03/00006, which claimed priority of an earlier Germany application filed 03 January 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 10 July 2003. The thirty-month period for paying the basic national fee in the United States expired on 03 July 2004.

On 02 July 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 December 2004, applicant filed an executed declaration.

On 21 January 2005, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 22 December 2004 as the date of completion of the 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements.

On 18 February 2005, applicant filed the present petition.

DISCUSSION

The petition requests that the application be accorded a filing date of 02 July 2004 and further requests issuance of a corrected filing receipt. Because the filing date for a U.S. national stage application under 35 U.S.C. 371 is the international filing date, the filing date for the present application is 02 January 2003. The date of completion of the 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements is 22 December 2004, i.e. the date the executed declaration was submitted. As discussed in MPEP 1893.03(b), the date of completion of the 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements is not equivalent to the actual filing date, and issuance of a corrected filing receipt is not indicated in the present case.

CONCLUSION

For the reasons above, the petition is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459